

251

ORIGINAL



0000033287

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission  
**DOCKETED**

APR 23 2001

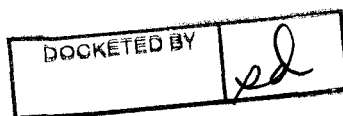
2001 APR 23 A 11: 26

WILLIAM A. MUNDELL  
CHAIRMAN

JIM IRVIN  
COMMISSIONER

MARC SPITZER  
COMMISSIONER

AZ CORP COMMISSION  
DOCUMENT CONTROL



IN THE MATTER OF THE APPLICATION OF  
TELMEX USA, L.L.C. FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETITIVE RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES, EXCEPT  
LOCAL EXCHANGE SERVICES

DOCKET NO. T-03985A-01-0086

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On January 29, 2001, Telmex USA, L.L.C. ("Applicant" or "Telmex") filed with Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange telecommunications services, except local exchange services, within the State of Arizona.

On March 7, 2001, Qwest Corporation ("Qwest") filed a Motion for Leave to Intervene.

On March 21, 2001, Telmex filed updated financial information.

On April 5, 2001, the Commission's Utilities Division Staff ("Staff") filed a Report recommending approval of Telmex's application.

On April 12, 2001, Staff filed an Amendment to its Staff Report.

Pursuant to Commission rules, Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that Applicant has not filed a Notice of Filing Affidavits of Publication that would indicate compliance with the publishing requirement.

Pursuant to A.R.S. § 40-282, the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing if one is requested by any party.

Pursuant to Commission rules, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request to intervene by Qwest is hereby

1 granted.

2 IT IS FURTHER ORDERED that Telmex and any intervenors shall file written exceptions to  
3 the Staff Report or request that a hearing be set by July 11, 2001. If no party makes a request for a  
4 hearing, then the matter shall be ruled upon without a hearing.

5 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-2-105,  
6 except that all motions to intervene must be filed on or before **12 noon** on July 6, 2001.

7 IT IS FURTHER ORDERED that Telmex shall publish notice, as stated below, in newspapers  
8 in every county in Arizona in which Telmex desires to provide service by **June 8, 2001**:

9 **NOTICE OF APPLICATION FOR A CERTIFICATE**  
10 **OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD**  
11 **INTEREXCHANGE TELECOMMUNICATIONS SERVICES, EXCEPT LOCAL**  
12 **EXCHANGE SERVICES, BY**  
13 **TELMEX USA, L.L.C.**

14 Telmex USA, L.L.C. ("Applicant") has filed with the Arizona Corporation  
15 Commission ("Commission") an application for a Certificate of Convenience and  
16 Necessity ("Certificate") to provide competitive resold interexchange  
17 telecommunications services, except local exchange services, in the State of Arizona.  
18 Applicant will be required by the Commission to provide this service under the rates and  
19 charges and terms and conditions established by the Commission.

20 A.R.S. § 40-282 provides that the Commission may act on an application for a  
21 Certificate to provide resold telecommunications services without a hearing, or with a  
22 hearing, if one is requested by any party. Applicant or any other party must request a  
23 hearing by July 11, 2001, or the Commission will rule on the application without a  
24 hearing.

25 The application, report of the Commission's Utilities Division Staff, and any  
26 written exceptions to the staff report prepared by the applicant are available for  
27 inspection during regular business hours at the offices of the Commission located at 1200  
28 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

Under appropriate circumstances, interested parties may intervene in the  
proceedings and participate as a party. Intervention shall be in accordance with A.A.C.  
R14-3-105, except that all motions to intervene must be filed on or before **12 noon** on  
July 6, 2001. You may have the right to intervene in the proceeding, or you may make a  
statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention Docket Control  
re: Telmex USA, L.L.C.  
T-03985A-01-0086  
1200 West Washington Street  
Phoenix, Arizona 85007

All comments should be received by July 11, 2001.

1 If you have any questions about this application or have any objections to its  
 2 approval, you may contact the Consumer Services Section of the Commission at 1200  
 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

3 The Commission does not discriminate on the basis of disability in admission to  
 4 its public meetings. Persons with a disability may request a reasonable accommodations  
 5 such as sign language interpreter, as well as request this document in an alternative  
 format, by contacting Shelley Hood, ADA Coordinator, voice phone number 602/542-  
 0838, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to  
 allow time to arrange the accommodation.

6 IT IS FURTHER ORDERED that Telmex shall file Affidavits of Publication indicating that it  
 7 has published notice pursuant to Commission rules by **June 22, 2001**.

8 IT IS FURTHER ORDERED that the failure of Telmex to comply with any or all of the  
 9 Ordering paragraphs set forth in this Procedural Order within the timeframes specified may result in  
 10 the denial of Telmex's application.

11 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
 12 pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

13 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive  
 14 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

15 DATED this 23<sup>rd</sup> day of April, 2001.

16  
 17   
 18 STEPHEN GIBELLI  
 19 ADMINISTRATIVE LAW JUDGE  
 20

21 Copies of the foregoing mailed this  
 22 23<sup>rd</sup> day of April, 2001 to:

23 Linda LaGatta, General Counsel  
 24 Telmex USA, L.L.C.  
 25 9444 Farnham Street, Suite 200  
 San Diego, California 92123

26 ...

27 ...

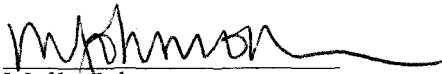
28 ...

1 Bobbi Ferguson  
2 Visiology, Inc.  
3 16061 Carmel Bay Drive  
4 Northport, Alabama 35475

5 Christopher Kempley, Chief Counsel  
6 Legal Division  
7 ARIZONA CORPORATION COMMISSION  
8 1200 West Washington Street  
9 Phoenix, Arizona 85007

10 Deborah Scott, Director  
11 Utilities Division  
12 ARIZONA CORPORATION COMMISSION  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007

15 By:

16   
17 Molly Johnson  
18 Secretary to Stephen Gibelli  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28